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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/605,824

06/29/2000

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09/07/2004

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EXAMINER

PHAN, HANH

ART UNIT

PAPER NUMBER

2633

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,824

Applicant(s)

WANG ET AL.

Examiner

Hanh Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2000.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 5 and 15 is/are allowed.
6) ☒ Claim(s) 1,3,4 and 6-14 is/are rejected.
7) ☒ Claim(s) 2 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 06/25/2004.
2. The indicated allowability of claim 9 is withdrawn in view of the newly discovered reference(s) to Chiu et al (US Patent No. 6,597,689). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 9, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiu et al (US Patent 6,597,689).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claims 9, 13 and 14, referring to Figures 1 and 5, Chiu discloses a computer readable medium (i.e., microprocessor) for providing program control for a wavelength access controller (i.e., IMAS, Fig. 1) in a wavelength access server, where said wavelength access server is communicatively coupled to both a plurality of service specific data communications devices (i.e., home office, residential, small office, Fig. 1) and an element of an optical transport network (i.e., ATM switch network, Fig. 1), and said wavelength access controller is communicatively coupled to a plurality of service specific transceivers (Fig. 5), said computer readable medium adapting said wavelength access controller to be operable to:

classifying a service specific electrical signal from each of said plurality of service specific transceivers (Fig. 1);

maintain a database of information relating to resources in said optical transport network (Fig. 1);

receive a connection request from one of the plurality of service specific transceivers, for a path through said transport network (Fig. 1);

determine, based on the information in the database, a path through the transport network corresponding to the connection request (Fig. 1); and

signal the element of the optical transport network to set up the determined path through the transport network (see from col. 14, line 20 through col. 27, line 20).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 4, 6-8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimbrough et al (US Patent 6,362,908) in view of Watanabe (US Patent No. 5,896,211).

Regarding claims 1, 7, 8 and 10-12, referring to Figures 1 and 3, Kimbrough discloses a method of operating a data communication apparatus comprising:

at each of a plurality of service specific transceivers (i.e., ONU1, ONU 2, ONU 3, Fig. 1):

receiving a plurality of input signals from a given plurality of data communications devices (i.e., customer premises equipment 32 and 34, Fig. 1) operating with a given data communication protocol;

transmitting the service specific electrical signal to a wavelength access controller (i.e., ONUs 26 and HDT 14, Fig. 1);

at the wavelength access controller (i.e., ONUs 26 and HDT 14, Fig. 1) :

receiving a plurality of service specific electrical signals from a plurality of service specific transceivers, at least two of the service specific transceivers operating with different data communication protocols (Fig. 1);

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converting (i.e., ONUs 26, Fig. 1) the plurality of service specific electrical signals to a corresponding plurality of service specific optical signals;
wavelength division multiplexing (i.e., HDT 24, Fig. 1) the plurality of service specific optical signals to result in a wavelength division multiplexed signal; and
transmitting the wavelength division multiplexed signal over an optical conductor (i.e., optical fiber 24, Fig. 1) to an element of an optical transport network (i.e., optical transport network element 12, Fig. 1) (see col. 6, lines 10-56 and col. 8, lines 25-57).

Kimbrough differs from claims 1, 7, 8 and 10-12 in that does not specifically teach aggregating each of the received plurality of input signals to result in a given service specific electrical signal. However, Watanabe in US Patent No. 5,896,211 teaches aggregating each of the received plurality of input signals to result in a given service specific electrical signal (see Fig. 4, col. 4, lines 52-67). Therefore, it would have been obvious to one having skill in the art at the time the invention was made to incorporate the aggregating each of the received plurality of input signals to result in a given service specific electrical signal as taught by Watanabe in the system of Kimbrough. One of ordinary skill in the art would have been motivated to do this since Watanabe suggests in column 4, lines 52-67 that using such the aggregating each of the received plurality of input signals to result in a given service specific electrical signal have advantage of allowing combining the individual signals into the multiplexed signal and to provide a optical communication system with high speed and high capacity.

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Regarding claims 3 and 4, the combination of Kimbrough and Watanabe teaches maintaining at the wavelength access controller a database of information relating to resources in the optical transport network (col. 6 of Kimbrough, lines 10-56).

Regarding claim 6, the combination of Kimbrough and Watanabe teaches header information in each of the plurality of service specific electrical signal (col. 6 of Kimbrough, lines 10-56).

Allowable Subject Matter

7. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 5 and 15 are allowed.

Response to Arguments

9. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-4700.



Hanh Phan

Patent Examiner

08/30/2004